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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Sheldon P. Rothenberg, et al. **Examiner:** Zachary C. Howard
Serial No.: 10/534,303 **Art Unit:** 1646
Filed: November 1, 2005 **Docket:** 15804
For: ASSAY FOR AUTOANTIBODIES TO FOLATE RECEPTORS
Confirmation No.: 9810 **Dated:** May 11, 2007

Mailstop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.183

Sir:

This is a petition pursuant to 37 C.F.R. §1.183 respectfully requesting suspension of the rules and the waiving of the signature requirement for one of the inventors on the re-executed Declaration being concurrently submitted herewith in connection with an amendment and petition under 37 C.F.R. §1.48(a) to add to the original named inventors in the above-captioned application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mailstop Petitions, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

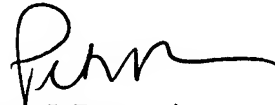
Dated: May 11, 2007


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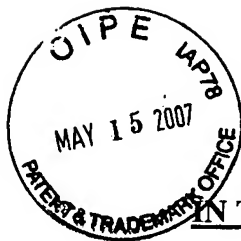
As set forth in the accompanying Amendment and Petition under 37 C.F.R. §1.48(a), one of the originally named inventors, namely Maria da Costa, has refused to re-execute a new Declaration as required by 37 C.F.R. §1.63 in which the additional inventor has been included. A redacted copy of Ms. Da Costa's express written refusal to sign is attached hereto, together with a check in the amount of \$400.00 to cover the requisite fee under 37 C.F.R. §1.17(f). Any additional charges may be charged to Deposit Account No. 19-1013/SSMP. A duplicate copy of this submission is enclosed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Bernstein', with a stylized flourish at the end.

Peter I. Bernstein
Registration No. 43,497

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
PIB:dg



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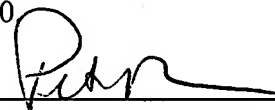
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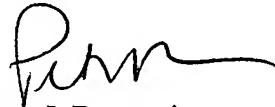
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Dated: May 11, 2007


Peter I. Bernstein

As set forth in the accompanying Amendment and Petition under 37 C.F.R. §1.48(a), one of the originally named inventors, namely Maria da Costa, has refused to re-execute a new Declaration as required by 37 C.F.R. §1.63 in which the additional inventor has been included. A redacted copy of Ms. Da Costa's express written refusal to sign is attached hereto, together with a check in the amount of \$400.00 to cover the requisite fee under 37 C.F.R. §1.17(f). Any additional charges may be charged to Deposit Account No. 19-1013/SSMP. A duplicate copy of this submission is enclosed.

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AMENDMENT AND PETITION UNDER 37 C.F.R. §1.48(a)
TO ADD TO ORIGINAL NAMED INVENTORS

Sir:

This amendment and petition pursuant to 37 C.F.R. §1.48(a) is being filed to correct the original naming of inventor(s) which appears in the declaration filed on November 1, 2005.

Please add the following previously unnamed persons as inventors of this application:

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.48(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mailstop Petitions, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 11, 2007

Peter I. Bernstein

Edward V. Quadros

Accompanying this petition and amendment is a statement in accordance with 37 C.F.R. §1.48(a)(1) from said person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part; a declaration by each of the actual inventors as required by 37 C.F.R. §1.63. (37 C.F.R. §1.48 (a)(2)); and a check in the amount of \$130.00 to cover the requisite fee under 37 C.F.R. §1.17(i). Any additional charges may be charged to Deposit Account No. 19-1013/SSMP. A duplicate copy of this submission is enclosed.

It is to be noted that one of the originally named inventors, i.e. Maria da Costa, did not sign (and has refused to sign) the new declaration required by 37 C.F.R. §1.63. Accordingly, accompanying this paper is a further Petition, pursuant to 37 C.F.R. §1.183, requesting that the signature requirement of Ms. Da Costa be waived.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Bernstein', with a long horizontal flourish extending to the right.

Peter I. Bernstein
Registration No. 43,497

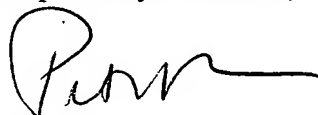
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Edward V. Quadros

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It is to be noted that one of the originally named inventors, i.e. Maria da Costa, did not sign (and has refused to sign) the new declaration required by 37 C.F.R. §1.63. Accordingly, accompanying this paper is a further Petition, pursuant to 37 C.F.R. §1.183, requesting that the signature requirement of Ms. Da Costa be waived.

Respectfully submitted,



Peter I. Bernstein
Registration No. 43,497

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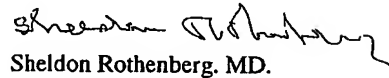
From the information that you have provided to me in your letter, as well as my personal knowledge of the facts concerning this matter, I cannot support and, in fact, I strongly disagree with, the conclusions you have cited concerning the inventorship analysis regarding the patent application.

I believe that the facts as I have stated in this letter confirm that the Patent Application as submitted to the United States Patent and Trademark Office with Dr. Sheldon Rothenberg, Dr Maria da Costa and Mr Jeffrey Sequeira as the inventors should not be amended to include Dr. Quadros as an inventor and that The Research Foundation should follow through on the processing of this patent application as submitted.

Thank you.



Maria da Costa MD



Sheldon Rothenberg, MD.



Maria da Costa, MD
Sheldon Rothenberg MD
535 E. 86th Street
New York, NY 10028

December 6, 2006

By Certified Mail – Return Receipt Requested

Mr. John Allen
Assistant Vice President
for Scientific Affairs
SUNY Downstate Medical Center
450 Clarkson Avenue
Box 129
Brooklyn, NY 11203-2098

Re: Inventorship Analysis of "Assay for Autoantibodies to Folate Receptors,"
Research Foundation Case No. R1383-100; Patent Application Number
PCT/US03/35960

Thank you for your letter dated November 7, 2006 regarding the above-referenced Inventorship Analysis and associated patent application, which was provided to me by Dr. Rothenberg on November 27, 2006.



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P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF EDWARD V. QUADROS
UNDER 37 C.F.R. §1.48(a)(1)

Sir:

I, Edward V. Quadros declare and say that:

(1) I have read the Petition to Add to Original Named Inventors under 37 C.F.R.


§1.48(a) submitted with this statement;

(2) I was originally omitted as a named co-inventor of the subject matter

embodied in the U.S. Patent Application Serial No. 10/534,303 due to an error which occurred without any deceptive intention on my part.

10/20/2006

DATED



EDWARD V. QUADROS



DOCKET NO. 15804

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

ASSAY FOR AUTOANTIBODIES TO THE FOLATE RECEPTORS

the specification of which

(check one)

[] is attached hereto.

[x] was filed on November 1, 2005 as a United States Application No. or PCT International Application Serial No. 10/534,303 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Number	Country	Date of Filing Day/Month/Year	Priority Claimed Under 35 U.S.C. §119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, Section §119(e) of any United States provisional application(s) listed below:

60/424,965
(Application Number)

November 8, 2002
(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.

Filing Date

Status

Application Serial No.

Filing Date

Status

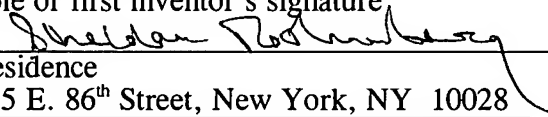
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

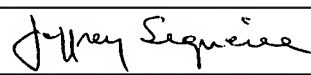
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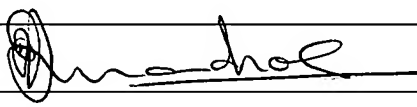
Address all telephone calls to Peter I. Bernstein at telephone no. 516-742-4343

Address all correspondence to Peter I. Bernstein, Scully, Scott, Murphy & Presser, P.C., 400 Garden City Plaza, Suite 300, Garden City, New York 11530

Full name of sole or first inventor Sheldon P. Rothenberg	
Sole or first inventor's signature 	Date Oct 20, 2006
Residence 535 E. 86 th Street, New York, NY 10028	
Citizenship USA	
Post Office Address same as residence	

Full name of second inventor Maria da Costa	
Second inventor's signature	Date
Residence 535 E. 86 th Street, New York, NY 10028	
Citizenship USA	
Post Office Address Same as residence	

Full name of third inventor Jeffrey Sequeira	
Third inventor's signature 	Date 10/20/06
Residence 2360 62 nd Street, Brooklyn, NY 11204	
Citizenship USA	
Post Office Address same as residence	

Full name of fourth inventor Edward V. Quadros	
Fourth inventor's signature 	Date 6/20/06
Residence 232 76 th Street, Brooklyn, NY 11209	
Citizenship USA	
Post Office Address same as residence	